

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICARDO MADRIGAL,

Plaintiff,

v.

L.W. RYDER, JR., *et al.*,

Defendants.

CASE NO. C04-2550JCC

ORDER ON PENDING MOTIONS

This is a civil rights action filed pursuant to 42 U.S.C. § 1983. Currently pending before the Court are plaintiff's motion for summary judgment, defendants' cross-motion for summary judgment, plaintiff's motion for an extension of time to file a response to defendants' cross-motion for summary judgment, plaintiff's motion to amend his motion for partial summary judgment to a motion for summary judgment, plaintiff's request for additional time to file unspecified documents¹, plaintiff's motion for a non-contact order, plaintiff's motion for leave to amend his complaint, and plaintiff's motion for a temporary restraining order. The parties' motions for summary judgment, and plaintiff's

¹ This document was entitled "Plaintiff Respons [sic] to Defendant's Motion for Summary Judgment." (*See* Dkt. No. 111.) The document was written in Spanish and was translated for the Court by a non-certified translator. (*Id.*)

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1 motion for a temporary restraining order, are addressed in a Report and Recommendation issued the
2 same date as this Order, the remaining pending motions are addressed herein.

3 The Court, having reviewed plaintiff's motion to an extension of time, plaintiff's motion to
4 amend his motion for partial summary judgment, plaintiff's request for additional time, plaintiff's
5 motion for a non-contact order, plaintiff's motion to amend his complaint, and the balance of the
6 record, does hereby find and ORDER as follows:

7 (1) Plaintiff's motion for an extension of time to file his response to defendants' cross-
8 motion for summary judgment (Dkt. No. 104) is GRANTED. Plaintiff's response was received on
9 October 12, 2006, and has been made a part of the record.

10 (2) Plaintiff's motion to amend his motion for partial summary judgment to a motion for
11 summary judgment (Dkt. No. 106) is GRANTED. Plaintiff's motion for partial summary judgment
12 (Dkt. No. 92) is STRICKEN from the Court's calendar. Plaintiff's proposed summary judgment
13 motion (attachment to Dkt. No. 106) will be considered in lieu of plaintiff's motion for partial
14 summary judgment.

15 (3) Plaintiff's request for additional time (Dkt. No. 111) is GRANTED. While plaintiff
16 fails to make clear in this document what, exactly, he requires additional time for, the Court construes
17 the request as one for additional time to file a reply brief in support of his motion for summary
18 judgment. The Court received a reply brief from plaintiff shortly after it received plaintiff's request for
19 additional time. That document (Dkt. No. 110) has been made a part of the record.

20 (4) Plaintiff's motion for a non-contact order (Dkt. No. 114) is DENIED. Plaintiff appears
21 to assert in the instant motion that he is being retaliated against by Department of Corrections
22 staff/officials for filing the instant lawsuit and he appears to be asking that this Court grant him a
23 transfer out of the Department of Corrections to serve his final 18 months in some other facility.
24 Plaintiff provides no evidence that he is being retaliated against. Moreover, this Court does not have

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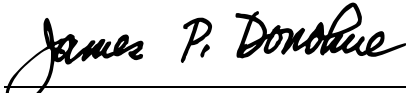
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1 the authority to direct that plaintiff be transferred out of the Department of Corrections before the
2 expiration of his sentence.

3 (5) Plaintiff's motion for leave to amend his complaint (Dkt. No. 116) is DENIED.
4 Plaintiff seeks to amend his complaint to add claims arising out of his current incarceration at the
5 Cedar Creek Corrections Center ("CCCC"). Plaintiff appears to allege that he has been subject to
6 retaliation at CCCC and that officers there are acting in a racially discriminatory manner. While
7 plaintiff appears to assert that the actions of officers at CCCC are somehow related to the claims
8 against officers at the Washington State Reformatory which underlie the instant action, neither the
9 facts alleged by plaintiff in his proposed amended complaint nor the exhibits attached thereto support
10 such a conclusion. If plaintiff wishes to pursue the claims alleged in his proposed amended complaint,
11 he may do so by filing a separate § 1983 action.

12 (6) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants,
13 and to the Honorable John C. Coughenour.

14 DATED this 30th day of January, 2007.

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16 
17 JAMES P. DONOHUE
18 United States Magistrate Judge
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